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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,060	12/22/2005	Atsushi Umekage	1248-0844PUS1	9644
2292 7590 03/18/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER MAMO, ELIAS				
ART UNIT		PAPER NUMBER		
2184				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/562,060

Applicant(s)

UMEKAGE ET AL.

Examiner

ELIAS MAMO

Art Unit

2184

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Gassho et al. (US 7,180,626), herein after referred as to Gassho et al. '626.

Referring to **claim 1**, Gassho et al. '626 teach, as claimed, an information processing device, comprising:

- a storage section (i.e.-buffer 55, see fig. 3);
- a reception section capable of receiving data transmitted to a specific address that has been predetermined (i.e.-job receiver unit 101, see fig. 3);
- a registration processing section for adding and registering the data received by the reception section into the storage section (i.e.-job status monitor unit 104, fig. 3);
- a data processing section for processing the data stored in the storage section (i.e.-job management unit 103, see fig. 3); and
- a status change processing section for controlling the registration processing section and the data processing section (i.e.- print load distribution apparatus 80, col.

11, lines 23-50); and for switching between (i) an active status which allows additional registration of the data transmitted to the specific address and processing of the data (Note: Gassho et al. '626 inherently teach an active status of a printer if the printer is not in error or in congested status, col. 2, lines 13-23); and (ii) a non-active status other than the active status, wherein the status change processing section instructs one or more other information processing devices to change into the active status (Note: selecting other printer with short queue and sending the print job is activating it in order to transfer print jobs from other printers, col. 11, lines 36-38) when an amount of unprocessed data registered in the storage section exceeds a predetermined threshold value (i.e.-when the monitor unit monitors and reports the printer having a print job above a preset level and a congested buffer, col. 11, lines 41-44) and the status change processing section changes the information processing device into the non-active status and causes the data processing section to process the unprocessed data (Note: the printer with congested buffer will not be able to process additional print job, thus inactive, but processes part of the print job that is not transferred to other printer). (Note: The claim languages "capable of", "for adding...", "for processing..." and "for controlling..." are considered intended use and do not limit the claimed device to a particular structure. Thus, it does not provide patentable weight. See MPEP § 2111.04).

As to **claim 2**, Gassho et al. '626 teach the information processing device as set forth in claim 1, further comprising: a status information storage section (i.e.-printer status monitor unit 105, see fig. 3) for storing status information about one or more statuses of said other information processing devices, wherein the status change processing section determines, out of said other information processing devices, an information processing device which is to be changed from the non-active status into the active status, based on the status information (Note: Gassho et al. teach a status change processing section which is the management unit, col. 5, lines 54-57)

As to **claim 3**, Gassho et al. '626 inherently teach the information processing device as set forth in claim 1, further comprising: a calculation processing section for (i.e.-print

controller circuit 53, see fig. 3) calculating, based on the unprocessed data stored in the storage section, a throughput of the unprocessed data; and a comparison processing section for comparing the throughput with a predetermined threshold value, wherein the status change processing section determines whether or not to change the information processing device into the non-active status, based on a result of comparison performed by the comparison processing section (col. 13, line 60-col. 14, line 15).

As to **claim 4**, Gassho et al. '626 teach the information processing device as set forth in claim 1, wherein the non-active status includes a standby status in which the information processing device changes into the active status based on an instruction to change into the active status (Note: congestion status changes to normal working status when the congested printing data is alleviated), said instruction being transmitted from said other information device; and the status change processing section controls the registration processing section so that the registration processing section additionally register the data transmitted to the specific address when it is determined that the information processing device is in the standby status (Note: Gassho et al. '626 inherently teach receiving of print data if the printer is not in congested status, col. 14, lines), and the status change processing section processes the data having been additionally registered when it is determined that said other information processing device in the active status is not capable of processing the data (see fig. 6).

As to **claim 5**, Gassho et al. '626 inherently teach the information processing device as set forth in claim 1, wherein the non-active status includes: (i) an off status which does not allow additional registration of data transmitted to the specific address and processing of the data (Note: it is inherent that if printer is off to be considered as non-active) (ii) a busy status (i.e.-not available status, col. 18, lines 31-33) which allows the data processing section to process unprocessed data, and the status change processing section changes the status of the information processing device into the off status and controls the data processing section so that the data processing section does not operate when the status change processing section determines that

processing of the unprocessed data is completed after changing into the busy status (Note: when a printer is in congested/unavailable/busy status, print jobs are routed to available printing apparatus until the busy printer finishes the job or the alleviates the queue, col. 2, lines 13-43).

As to **claim 6**, Gassho et al. '626 teach the information processing device as set forth in claim 1, wherein: when the registration processing section determines that received data has been transmitted to the specific address, the registration processing section informs, to a device from which the data has been transmitted, (i) reception of the data and (ii) a particular address of the information processing device (col. 5, lines 18-24).

As to **claim 7**, Gassho et al. '626 teach an information processing program, stored in a computer readable medium, for operating the information processing device as set forth in claim 1, said information processing program causing a computer to function as each of the processing sections (col. 7, lines 39-41).

As to **claim 9**, Gassho et al. '626 teach an image forming apparatus, comprising: the image processing device as set forth in claim 1; and an image forming section for forming an image based on data processed by the information processing device (i.e.- printer 51 and printer control circuit 53, see fig. 3).

As to **claim 10**, Gassho et al. '626 teach the image forming apparatus as set forth in claim 9, wherein the non-active status includes a standby status prior to an active status, and when the image forming apparatus is in the standby status, the status change processing section controls the image forming section so that the image forming section is in operating condition (Note: printer circuit unit controls the operating condition of the image forming apparatus).

Response to Arguments

Applicant's arguments filed on 12/07/2007 have been fully considered but they are not persuasive.

Applicants argued that, Gassho fails to disclose or suggest the status change processing section as recited in claim 1 and does not instruct **"one or more other information processing devices to change into the active status when an amount of unprocessed data registered in the storage section exceeds a predetermined threshold value, and the status change processing section changes the information processing device into the non-active status and causes the data processing section to process the unprocessed data."** (page 12, line 20 - page 13, line 2)

The Examiner disagrees with the above statement. As Applicants also noticed, Gassho teaches a print load distribution apparatus which includes a job transfer decision unit based on the results of job status monitor unit (col. 11, lines 23-30). When the monitor unit finds a printing device with a long queue of print jobs, then the processing selects other printer with a short queue and transfers part of the print job from the printer with long queue and congested buffer (col. 11, lines 30-41).

Meaning, Gassho inherently teaches status change processing section which performs the steps of: **one or more other information processing devices to change into active status** (Note: selecting other printer with short queue and sending the print job is activating it in order to transfer print jobs from the printer of long queue, col. 11, lines 36-38) **when an amount of unprocessed data registered in the storage section exceeds a predetermined threshold value** (i.e.-when the monitor unit monitors and reports the printer having a print job above a preset level and congested buffer, col. 11, lines 41-44) **and the**

status change processing section changes the information processing device into the non-active status and causes the data processing section to process the unprocessed data (Note: the printer with congested buffer will not be able to process additional print job, thus inactive, but processes part of the print job that is not transferred to other printer).

Thus, the rejection of claims under 35 U.S.C. 102(e) maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Mamo whose telephone number is (571) 270-1726 and fax number

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(571) 270-2726. The examiner can normally be reached on Monday to Thursday from 9 AM to 5 PM EST. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai, can be reached on (571) 272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. M./

**/Henry W.H. Tsai/
Supervisory Patent Examiner, Art Unit 2184**